



MOTOR CARRIER ATTACHMENT

New York State Department of Transportation

Driver/Vehicle Examination Report

Louisville, NY

HWY23FH005

(7 pages)

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

New York State Department of Transportation
Commercial Motor Vehicle Inspections
 50 Wolf Road, POD 5-3
 Albany, NY 12232
 Phone: [REDACTED]

Report Number: NYMC74000503
Inspection Date: 01/31/2023
Start: 11:06 AM ET **End:** 02:56 PM ET
Inspection Level: I - Full
HM Inspection Type: None

LBFNY LLC
 PO BOX 123
 CATO, NY 13033-0123
USDOT#: 03773075
MC/MX#: 00000000
State#:

Phone#: [REDACTED]
Fax#:

Driver: VALERO TORRES, CHRISTOPHER G
License#: V-1 [REDACTED] **State:** OT
Date of Birth: [REDACTED]
CoDriver:
License#: **State:**
Date of Birth:

Location: RAY BROOK NYSDOT RESIDENCY
Highway: SH86
County: ESSEX, NY

MilePost:
Origin: LOUISVILLE, NY
Destination: LISBON, NY

Shipper:
Bill of Lading:
Cargo: PASSENGER

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	BU	CHEV	2013	MT	593787B		1GB6G5BG2D1156753	14,200			YES

BRAKE ADJUSTMENTS

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	HYDR	HYDR

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
396.3A1	396.3(a)(1)	1	N		N	N	Inspection, repair and maintenance of parts & accessories: Exhaust hanger rusted and broken off. Exhaust not supported as a result. Not crash related.
393.62C	393.62(c)	1	Y		U	Y	No or Defective bus emergency exit windows: Right side, rear most emergency exit window not operable due to crash.
392.2UCR	392.2	1	N		N	N	Failure to pay UCR Fee: Carrier registered interstate without paying UCR fees for 2023.
393.93B3	393.93(b)(3)	1	Y		U	N	Temporary Seating - Vehicle must conform to the requirements of Federal Motor Vehicle Safety Standard No. 2071 (?571.207): See above violation.
393.93A	393.93(a)	1	N		N	N	Failure to equip bus with seat belts: Both rearmost, right side seats do not have seatbelts.
396.3A1	396.3(a)(1)	1	N		N	Y	Inspection, repair and maintenance of parts & accessories: Benches 1-3, left side missing/broken due to crash. Numerous benches bent forward.
393.78	393.78	1	N		N	N	Windshield wipers inoperative/defective: Washer fluid reservoir empty. Not due to crash.
396.3A1	396.3(a)(1)	1	N		N	Y	Inspection, repair and maintenance of parts & accessories: Vehicle is OOS until returned back to manufacturer's original specifications.
392.9BA-INACTIVEI NTRA	392.9b(a)	1	Y		U	N	INTRASTATE CARRIER Operating a commercial motor vehicle in intrastate commerce without an active USDOT number when required.: Carrier's USDOT# made

Report Prepared By:
 BRIAN BAXTER

Badge #:
 M6055

Copy Received By:
 CHRISTOPHER VALERO TORRES

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<u>Vio Code</u>	<u>Section</u>	<u>Unit</u>	<u>OOS</u>	<u>Citation #</u>	<u>Verify</u>	<u>Crash</u>	<u>Violations Discovered</u>
392.2RG	401.1A-R	1	N		N	N	inactive on 4/26/2022, due to failure to submit to safety audit. 401.1A-R Operating a passenger CMV with an incorrect registration: Bus registered in Montana, not NY as required. Carrier has no physical address in MT.
393.81	393.81	1	N		N	Y	Horn inoperative: Horn inoperative.
393.60C	393.60(c)	1	N		N	Y	Damaged or discolored windshield: Windshield smashed.
393.95A	393.95(a)	1	N		N	N	No/discharged/unsecured fire extinguisher: Fire extinguisher discharged prior to crash.
393.30	393.30	1	N		N	Y	Improper battery installation: Left side, auxiliary battery unsecured.
393.75A3	393.75(a)(3)	1	Y		U	Y	Tire-flat and/or audible air leak: Axle 2 left side, both tires flat and off the bead.
393.207A	393.207(a)	1	Y		U	Y	Axle positioning parts defective/missing: Axle 2, both sides, sway bar broken.
396.3A1-EC	396.3(a)(1)	1	Y		U	Y	Bus - Electrical Mountings broken or unsecured: Electrical mountings throughout the bus are broken. Wiring exposed throughout.
393.11	393.11	1	Y		U	Y	No or defective lighting devices or reflective material as required: Left side, rear turn signal. Lens broken.
393.91-SNS	393.91	1	Y		U	N	Motor Coach or other Passenger Carrying vehicle operating with seating, occupied or not, not secured in a workmanlike manner.: Rear, right side. Two bench seats added in a non-workman like manner. Self tapping, lag screws securing seat to floor. Riveted to side door. Two small tack welds.
396.3A1	396.3(a)(1)	1	Y		U	Y	Inspection, repair and maintenance of parts & accessories: Left, front wheel assembly broken off as a result of the crash.
383.23A2	383.23(a)(2)	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 01/28/2023
391.41A1-P	391.41(a)(1)	D	Y		N	N	Operating a passenger-carrying vehicle without possessing a valid medical certificate.: Driver does not possess a valid medical examination certificate.
390.21TA	390.21T(a)	1	N		N	N	CMV not marked in accordance with regulations: Carrier USDOT # not displayed on either side as required.
396.17C	396.17(c)	1	N		N	N	Operating a CMV without proof of a periodic

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CoDriver:
License#: **State:**
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<u>Vio Code</u>	<u>Section</u>	<u>Unit</u>	<u>OOS</u>	<u>Citation #</u>	<u>Verify</u>	<u>Crash</u>	<u>Violations Discovered</u>
390.33-XS	390.33	1	Y		U	N	inspection: Bus has no proof any periodic/annual safety inspection. Operating a Motor Coach or other Passenger Carrying vehicle with seating, secured or unsecured, in excess of the manufacturer's designed seating capacity.: 2 bench seats were added (2 right rear), not according to NHTSA standards, making the total seating capacity 21 adults. No final modifier tag.
393.48A	393.48(a)	1	Y		U	Y	Inoperative/defective brakes: Left, front brake broken off with wheel assembly as a result of the crash.
396.3A1	396.3(a)(1)	1	N		N	Y	Inspection, repair and maintenance of parts & accessories: Numerous frame/body parts missing or displaced as a result of crash. (front bumper, driver side door, multiple windows smashed, entry door, roof caved in, re-exit
393.9	393.9(a)	1	Y		U	Y	Inoperable Required Lamp: Lamps: all required lighting due to no power.
393.9	393.9(a)	1	Y		U	Y	Inoperable Required Lamp: Left headlight broken off as a result of crash.
393.207D	393.207(d)	1	Y		U	Y	Coil spring cracked and/or broken: Axle 1, left side coil spring broken off.
396.3A1	396.3(a)(1)	1	N		N	Y	Inspection, repair and maintenance of parts & accessories: Axle 1, broken off at A arm, left side.
393.209E	393.209(e)	1	Y		U	Y	Power steering violations: All steering components missing or broken.

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: Post Crash;

State Information:

Seating Capacity With Driver: 21; Through CDLIS Yes/No: NO; Through NYSPIN/NLETS Yes/No: NO; Reason license was not checked: VENEZUELAN DL; MEC Verified Yes/No: NO;

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License#: [REDACTED] State: OT
Date of Birth: [REDACTED]
CoDriver:
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Pursuant to the authority contained in NYS Transportation Law, I hereby notify and declare CHRISTOPHER VALERO TORRES Out of Service.
No Motor Carrier shall permit or require this driver to operate any motor vehicle until: Valid CDL and Medical Certificate

Vehicle(s) with violations(s), and marked with a "Y" in the OOS column of this report are declared OUT OF SERVICE pursuant to the NYS Transportation Law. No person shall remove the "Out-of-Service Vehicle" sticker or operate such vehicle(s) until the OUT OF SERVICE condition(s) has been repaired. Note: OOS Vehicle violations verified repaired at scene will have an "A" in verify column of the violation

- 1). DRIVER: Return this TE 241 report to the motor carrier whose name appears at the top.
2). REPAIRER: If vehicle defects are listed in the violation section above, please sign the report when repairs are completed.

Signature Of Repairer X: _____ Facility: _____ Date: _____

3) MOTOR CARRIER: Sign and return within 15 days of issuance, this report ONLY if violations are entered in the violation section.

MAILING ADDRESS: New York State Department of Transportation
Commercial Motor Vehicle Inspections
50 Wolf Road POD 53
Albany, New York 12232

EMAIL ADDRESS: [REDACTED]

DO NOT SEND TICKETS TO THIS ADDRESS

- 4) TRAFFIC TICKETS: If issued, MUST be returned to the COURT whose address appears on the front of the TICKET.
5) If you have any reason to question the results of this inspection go to https://dataqs.fmcsa.dot.gov.
6) If the vehicle has NOT been repaired and HAS been permanently removed from service, initial here _____ and sign number 7.
7) MOTOR CARRIER CERTIFICATION: I hereby certify that all violations entered on this report have been corrected or have not been corrected in accordance with paragraph 6, and action has been taken to assure compliance with the NYS Transportation Law and Regulations.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

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Inspection Notes

This carrier was shown as being under an OOS order for New Entrant Revoked - Refusal of Audit/No Contact on 4/26/2022 by a real-time query at 1/31/2023 12:14:40 PM.

Post crash inspection. Conducted at NYSDOT residency, RayBrook, NY, with NYSP Troop B CVEU, NYSDOT Justin Zimmerman, NTSB Jason Zietler and NYSP crash reconstruction team.

Crash occurred on 1/28/2023 on state highway 37, Louisville, NY. 6 fatalities of bus passengers. Bus transporting workers from a local hotel to a local solar farm project. Only other vehicle involved in the crash is a box truck operated by Aero Global Logistics, USDOT 2447319. The box truck was being operated by Harly Diaz Baez, NY drivers license [REDACTED].

Both drivers deposed by NTSB and NYSP.

Bus was previously in NYSDOT semi-annual inspection bus program. Its last inspection was in July 2021. At which time it was inspected as a 15 passenger bus. 3 seats appear to have been added since July 2021. Left rear appears to be reinstalled according to manufacturer specs. Two right rear bench seats do not match the other seats. They are simply screwed to the floor and tack welded to the wheelchair door. These two bench seats do not have seat belts.

Unable to perform a full inspection of the bus brake system due to lack of power to the vehicle. Front left brake demolished. Front right wheel pulled and rotor and pad thickness examined with no violations. Brake fluid within normal range in reservoir. Unable to inspect emergency / parking brake, but cable is intact.

Bus driver possesses Venezuela credentials, which are not valid for CMV operations. FMCSA and NTSB conducting further investigation on the driver.

FMCSA, NTSB and NYSDOT Silverstein conducting investigation at carriers PPOB in conjunction with this inspection.

Inspection of box truck to be performed by NYSP CVEU.

Special Studies No Special Study Data Recorded

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